

UNDT/2009/035, Caldarone

UNAT Held or UNDT Pronouncements

The Applicant addressed a letter dated 29 May 2009 to the Secretary-General requesting him to “reverse that decision” but no mention was made of the non-renewal of the Applicant’s contract because it was only on 30 June 2009 that the Applicant was informed that his contract would not be renewed beyond 30 September 2009. The Applicant sought to establish that he had in fact requested a review of the decision and referred to an email he had sent to the Registrar of the ICTR in which he informed him that he was contesting the decision not to renew his contract. That email was dated 27 April 2009 and did not relate to any specific decision not to renew the contract of the Applicant. At any rate, the procedure for requesting a management evaluation was to submit a request to the Secretary-General and not to the Registrar of the ICTR.

Decision Contested or Judgment/Order Appealed

The Applicant sought suspension of the decision not to renew his fixed-term appointment.

Legal Principle(s)

A staff member wishing to formally contest an administrative decision alleging non compliance with his or her contract of employment or terms of appointment, including all pertinent regulations and rules pursuant to staff regulation 11.1 (a), shall, as a first step, submit to the Secretary-General in writing a request for a management evaluation of the administrative decision.” The Dispute Tribunal shall be competent to hear and pass judgment on an application filed by an individual requesting the Dispute Tribunal to suspend, during the pendency of the management evaluation, the implementation of a contested administrative decision that is the subject of an ongoing management evaluation, where the decision

appears prima facie to be unlawful, in cases of particular urgency, and where its implementation would cause irreparable damage.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Caldarone

Entity

ICTR

Case Number(s)

UNDT/NBI/2009/058

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

14 Oct 2009

Duty Judge

Judge Boolell

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Abolition of post

Non-renewal

Reassignment or transfer

Suspension of action / interim measures

Applicable Law

Staff Rules

- Rule 11.2 (c)
- Rule 11.2(a)

UNDT RoP

- Article 13.1

UNDT Statute

- Article 2.2